



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,410	12/17/2004	Hiroshi Ikeda	1254-0266PUS1	7744
2292 7590 01/06/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER CARTER III, ROBERT E				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
01/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/518,410

Applicant(s)

IKEDA, HIROSHI

Examiner

ROBERT E. CARTER III

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,7-10 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 2,3,7-10 and 13-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1: Figs. 1-3, drawn to a double sided display where the liquid crystal shutters on each side of the display are never open simultaneously.

Species 2: Figs. 4-7 drawn to a double sided display where parts of the liquid crystal shutters on each side of the display are open simultaneously.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species 1: claims 2, 7-10, and 13-19.

Species 2: claim 3.

No claims are generic.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Species 1 specifically requires the liquid crystal shutters on either side of the display to open and close alternately, such that they are never open simultaneously

Species 2 specifically requires the liquid crystal shutters on either side of the display to be open at the same time such that they are always open simultaneously.

The two species require completely different drive schemes and therefore lack the same or corresponding special technical features.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

During an in-person interview on 08/07/2008, the Examiner agreed to withdraw the 35 U.S.C. 112 first paragraph rejection of claims 2-4, 7-10, and 13-19 in light of what was thought to be a corrected understanding of the invention, which was explained in the Examiner's interview summary. The Examiner explained this position to Applicant's representative and furnished him with a modified drawing of Fig. 2 based on this

position, which Applicant' representative indicated he would show the Applicant. In the subsequent amendment, no mention whatsoever was made regarding the Examiner's corrected understanding or Fig. 2, and all arguments centered around the 35 U.S.C. 112 first paragraph rejection of claims 2-4, 7-10, and 13-19, which the Examiner agreed to withdraw. In light of the lack of arguments regarding the Examiner's corrected understanding, The Examiner re-analyzed the figures and specification, and believes this corrected understanding was in error, and that the original understanding was actually correct. Furthermore, applicant's arguments regarding the 35 U.S.C. 112 first paragraph rejection of claims 2-4, 7-10, and 13-19 are not persuasive because the claimed limitation at issue is impossible to implement. As such, the examiner would like to remind the Applicant that if Species 1 is elected, the 35 U.S.C. 112 first paragraph rejection of claims 2, 4, 7-10, and 13-19 will be maintained unless Applicant takes action to correct the problem. For convenience, the 35 U.S.C. 112 first paragraph applicable to these claims appears below:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 2, 4, 7-10, and 13-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one

skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the independent claims 2, 7, 15, and 16, the term “scan inverting circuit” is defined by the operational language “a scan inverting circuit for inverting the direction of a horizontal scan along a row on said display panel in each frame or each field”

Apparent support for this limitation is found on page 10, lines 15-21.

However, it is not possible for the row driver or any circuitry applied to the rows of the display to perform the above function of “inverting the direction of a horizontal scan along a row on said display panel in each frame or each field”

This functionality **MUST** be performed by a circuit associated with the signal driver, or the signal driver itself.

Figures 2B and 3 of the disclosure, and page 9, lines 6-12 of the specification seems to define the scan inverting circuit as a simple inverter which inverts the horizontal direction scan signal output from the scan driving circuit. Furthermore, the claimed operation of inverting the direction of the horizontal scan along a row (as opposed to inverting the horizontal direction scan signal) is correctly explained in the second embodiment on page 15, lines 12-15 of the specification as being performed by the signal driving circuit.

Therefore, for the purposes of examination, the examiner has separated the scan inverting circuit and the claimed operation, and defined a new part called a **direction circuit**, which can be considered as part of the signal driving circuit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT E. CARTER III whose telephone number is (571)270-3006. The examiner can normally be reached on 9AM - 5:30PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/R.E.C./